

III. REMARKS

Claims 1-30 are pending in this application. Claims 17-30 are withdrawn from consideration. By this response, claims 1, 4-7 and 12 have been amended. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Furthermore, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. §1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicants respectfully request entry of this Amendment.

In the Final Office Action, claims 4-7 are objected to based on various informalities. Office Action, p. 2. In response, Applicants have amended claims 4-7 to provide proper claim dependency. Accordingly, Applicants respectfully request withdrawal of the objection.

In the Final Office Action, claims 1-9 and 12-16 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Tsuchiya et al. (U.S. Pat. No. 6,530,968), hereinafter “Tsuchiya.” In response, Applicant submits that the Office fails to show that Tsuchiya discloses each and every feature of the claimed invention. For example, with respect to claim 1, the Office fails to show that Tsuchiya discloses, *inter alia*, “applying a slurry that includes an additive for forming a polishing inhibiting layer in situ across the topography, wherein the additive and a surface of the topography have opposite electrostatic charges to ensure adhesion of the polishing inhibiting layer to the surface of the topography, the polishing inhibiting layer creating a polishing rate for

10/710,827

the topography that is non-linear with polishing pressure.” Specifically, Applicant submits that Tsuchiya fails to disclose the formation of a polishing inhibiting layer across the topography, wherein the additive and a surface of the topography have opposite electrostatic charges to ensure adhesion of the polishing inhibiting layer to the surface of the topography. Interpreting Tsuchiya only for the purposes of this response, Applicant submits that Tsuchiya merely discloses that “a thickener...must be a compound without an ionic group with an opposite sign to a charge on a polishing material grain surface.” Column 4, lines 40-42. Tsuchiya further discloses that “[e]xamples of a thickener in this invention include surfactants and water-soluble polymers, which may be anionic, cationic or nonionic depending on a surface charge in a polishing material particle used.” Col. 5, lines 12-15. Accordingly, Tsuchiya only teaches that the polishing material and the thickener should have opposite signs. However, no description is provided relative to attraction of the thickener and the surface being polished. Only by making an assumption can the Office conclude that a polishing inhibiting layer would be formed. In the claimed invention, the additive is attracted towards the surface to be polished and adheres to the surface due to opposite electrostatic charges of the additive and the surface. Tsuchiya, however, fails to disclose this feature. Accordingly, Applicants submit that neither the paragraphs cited by the Office, nor Tsuchiya as a whole explicitly or inherently disclose, *inter alia*, applying a slurry that includes an additive for forming a polishing inhibiting layer *in situ* across the topography, wherein the additive and a surface of the topography have opposite electrostatic charges to ensure adhesion of the polishing inhibiting layer to the surface of the topography, the polishing inhibiting layer creating a polishing rate for the topography that is non-linear with polishing pressure. Accordingly, Applicant respectfully requests withdrawal of the rejection.

With respect to claim 3, the Office fails to show that Tsuchiya discloses, *inter alia*, “...wherein the cationic surfactant includes a chemical structure selected from the group consisting of: a) $[CH_3(CH_2)_xN(R)]M$, wherein M is selected from the group consisting of: Cl, Br and I, x equals an integer between 2 and 24, and the R includes three carbon-based functional groups, each having less than eight carbon atoms; and b) C_pH_qQN , where Q is selected from the group consisting of: Cl, Br and I, and p > 8 and q > 20.” In support of its rejection with respect to claims 2-7, the Office asserts that “Tsuchiya discloses the additive to form the ‘polishing inhibiting layer’ include(ing) one of: an anionic surfactant (e.g. sodium (salt) sulfate and dodecyl sulfates) and a cationic surfactant (e.g. CTAB and cetylpyridinium chloride). Office Action, p.

2. However, Applicant submits that Tsuchiya fails to disclose, *inter alia*, all the formulaic limitations relating to cationic surfactants, as recited by claim 3. Applicant submits that Tsuchiya discloses, generally, a number of cationic surfactants. However, Tsuchiya fails to disclose the specific formulaic limitation(s) recited by claim 3. Accordingly, Applicant submits that Tsuchiya fails to disclose each and every element of claim 3.

In the Office Action, claims 10-11 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tsuchiya. Applicant herein incorporates the arguments presented above with respect to the corresponding independent claims, from which claims 10-11 depend. The dependent claims are believed to be allowable based on the above arguments, as well as for their own.

Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office’s interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office’s combinations and

modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

Date: May 21, 2007

/Darrell L. Pogue/
Darrell L. Pogue
Reg. No.: 57,878

Hoffman, Warnick & D'Alessandro LLC
75 State Street 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)